



Order Filed on August 7, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, LLC
By: Alexandra T. Garcia, Esq. (Atty.
I.D.#ATG4688)

216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080

Attorneys for Movant: Bayview Loan Servicing,
LLC

IN re:

Horace W. Smith
Debtor/Respondent

Ionie M. Carnegie Smith
Co-Debtor/Respondent

Case No.: 17-34495-ABA

Chapter: 13


Judge: Andrew B. Altenburg Jr.

ORDER VACATING STAY

The relief set forth on the following pages, number two (2) through two (2) is hereby

ORDERED

DATED: August 7, 2018



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

(Page 2)

Debtor: Horace W. Smith

Co-Debtor: Ionie M. Carnegie Smith

Case No: 17-34495-ABA

Caption of Order: ORDER VACATING STAY

Upon the motion of **Bayview Loan Servicing, LLC**, or its successors or assignees, under Bankruptcy Code section 362(a) and 1301 for relief from the automatic stay as to certain property as hereinafter set forth, and for cause shown, it is

ORDERED that the automatic stay is vacated to permit the movant to institute or resume and prosecute to conclusion one or more actions in the court(s) or appropriate jurisdiction to pursue the movant's rights in the following:

☒ Real property more fully described as:

2465 Coronado Drive, Vineland, New Jersey 08360

It is further ORDERED that the movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject mortgage and pursue its states court remedies including, but not limited to, taking the property to sheriff's sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale, or deed-in-lieu foreclosure. Additionally, any purchaser of the property at sheriff's sale (or purchaser's assignee) may take any legal action for enforcement of its rights to possession of the property

☐ Personal property more fully described as:

ORDERED that Movant may pursue any and all loss mitigation options with respect to the Debtor(s) or the real property described above, including but not limited to repayment agreement, loan modification, short sale or deed-in-lieu of foreclosure.

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

The movant shall serve this Order on the Debtor, any Trustee and any other party who entered an appearance on the motion.

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
District of New Jersey

In re:
Horace W. Smith
Debtor

Case No. 17-34495-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 08, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 10, 2018.

db +Horace W. Smith, 2465 Coronado Dr, Vineland, NJ 08360-6805

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 10, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 8, 2018 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor Bayview Loan Servicing, LLC NJECFMAIL@mwc-law.com,
nj-ecfmail@ecf.courtdrive.com
Andrew Thomas Archer on behalf of Debtor Horace W. Smith aarcher@brennerlawoffice.com,
bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com
Denise E. Carlon on behalf of Creditor LakeView Loan Servicing, LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Melissa S DiCerbo on behalf of Creditor Bayview Loan Servicing, LLC nj-ecfmail@mwc-law.com,
nj-ecfmail@ecf.courtdrive.com
Mina M Beshara on behalf of Creditor Bayview Loan Servicing, LLC nj-ecfmail@mwc-law.com
Rebecca Ann Solarz on behalf of Creditor LakeView Loan Servicing, LLC rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 8